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Health, et al.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BOARD OF TRUSTEES OF UNITE HERE
HEALTH, *et al.*,

Plaintiffs,

vs.

HRE HOLDINGS, LLC, a Nevada limited
liability company d/b/a Yong Kang Street, *et*
al.,

Defendants.

CASE NO.: 2:21-cv-00498-JCM-EJY

**STIPULATION AND ORDER FOR
STAY OF DISCOVERY**

(SECOND REQUEST)

Plaintiffs and Defendants, each acting by and through their undersigned counsel, respectfully submit this Stipulation and Order for Stay of Discovery (Second Request) ("Stipulation and Order"). This Stipulation and Order constitutes the parties' second request for such an extension and is being entered in good faith and not for the purpose of improper delay.

A. BACKGROUND

1. Plaintiffs filed the Complaint on March 25, 2021.
2. Defendants answered the Complaint on May 28, 2021.
3. On July 12, 2021, the parties were due to file the proposed Discovery Plan and Scheduling Order.

1 4. Defendants allege that: (i) the restaurant operated by Defendant YKS Paris,
2 LLC, is closed and out of business; (ii) Defendants have had no revenue coming to Defendants
3 for many months; (iii) Defendants are willing to put their resources into trying to resolve this
4 case; and (iv) Defendants understand the responsibilities of the Plaintiffs, who have obligations
5 as fiduciaries.

6 5. The parties want to minimize to the extent possible the expenditure of monies
7 for attorneys' fees.

8 6. On July 16, 2021, the Parties filed a Stipulation and Request for Stay of
9 Discovery for Seventy-Five (75) Days (First Request) to allow (i) the parties to informally
10 exchange data and documents, (ii) the Plaintiffs time to perform an audit and firm up the
11 amounts they seek from Defendants, (iii) the Defendants to make determinations relative to the
12 individual Defendants' liability, and (iv) the parties the opportunity to discuss the possibility of
13 settlement. The Court entered its Order Granting the Stipulation on July 19, 2021.

14 7. The parties have exchanged preliminary documents and data, much of which
15 they believe will be the same as the document and data discovery in this Case.

16 8. Following Defendants' production of the data and documents, Plaintiffs
17 performed an audit and provided the Defendants with preliminary findings.

18 9. Defendants continue to perform their internal reviews and calculations.

19 10. The parties intend to discuss possible resolution of this case and/or narrowing of
20 the factual and legal issues.

21 11. In order to have time to perform the above without engaging in the expense of
22 formal discovery, the parties agree that an extended stay of discovery is necessary.

23 12. This Stipulation is made for the purposes stated above and not for purposes of
24 delay or any other improper purpose.

25 **B. STAY OF DISCOVERY**

26 1. The parties agree to stay discovery in this matter for thirty (30) days from
27 October 1, 2021, which is until November 1, 2021.

2. If the parties do not have an agreement to settle by November 1, 2021, the parties will file a Discovery Plan and Scheduling Order no later than November 5, 2021, which at this juncture the parties expect to file in compliance with LR 26-1(b). That document is already in draft form.

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DATED: October 7, 2021

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ORDER

For the reasons stated above, and for good cause, it is hereby ordered as follows:

1. Discovery is stayed until November 1, 2021.
2. If the parties do not have an agreement to settle by November 1, 2021, the parties will file a Discovery Plan and Scheduling Order no later than November 5, 2021.

IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATED: October 8, 2021